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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/738,368

12/15/2000

Byron C. Gehman

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07/26/2005

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EXAMINER

ABEL JALIL, NEVEEN

ART UNIT

PAPER NUMBER

2165

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/738,368

Applicant(s)

GEHMAN ET AL.

Examiner

Neveen Abel-Jalil

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 15, 19 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 15, 19, 21-24, 26 is/are rejected.
- 7) ☒ Claim(s) 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION

Remarks

1. The Amendment filed on May 17, 2005 has been received and entered. Claims 6-14, 16-18, and 20 have been cancelled. Claims 21-26 have been newly added. Therefore, claims 1-5, 15, 19, and 21-26 are now pending.

Claim Objections

2. Claim 15 is objected to because of the following informalities: The dependency of claim 15 upon cancelled claim 14 is improper. A claim can't be dependent on a cancelled claim. Appropriate correction is required.

3. The amendment has overcome the 35 USC 101 rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 15, 19, 21-24, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strauble et al. (U.S. Patent No. 6,446,077 B2) in view of Bose et al. (U.S. Pub. No. 2002/0042830 A1).

As to claim 1, Strauble et al. discloses a method for processing directory events using a computer, comprising:

operating a directory service provider server to perform a data manipulation within a master directory database (See Strauble et al. column 14, lines 25-38);

operating an event master server to assign a number to said data manipulation (See Strauble et al. column 9, lines 9-37); and

operating said event master server to store said number within said master directory database (See Strauble et al. column 5, lines 11-67, wherein “number” reads on “integer”).

Strauble et al. does not teach a sequence number.

Bose et al. teaches a sequence number (See Bose et al. page 9, paragraphs 0082-0083).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Strauble et al. to include a sequence number.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Strauble et al. by the teaching of Bose et al. to include a sequence number because it provides for accurate tracking and monitoring of modified data (See Bose et al. page 10, paragraph 0018).

As to claim 2, Strauble et al. as modified discloses further comprising:

operating said event master server to provide an event message to an event service server, said event message including said sequence number and an event notification (See Bose et al. page 9, paragraphs 0082-0083).

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operating said master database to replicate said sequence number to a replicate directory database (See Strauble et al. column 13, lines 1-45, also see Strauble et al. column 9, lines 47-63); and

operating said event service server to provide said event notification to an event client server in response to said replication of said sequence number to said replicate directory database (See Strauble et al. column 9, lines 1-37, also see Bose et al. page 8, paragraphs 0075-0077, and see Bose et al. page 9, paragraphs 0079-0080).

As to claim 3, Strauble et al. as modified discloses comprising:

operating said event client server to provide said event notification to at least one directory client registered to receive said event notification (See Strauble et al. column 6, lines 49-67, and see Strauble et al. column 7, lines 1-7, also see Bose et al. pages 6-7, paragraph 0051, also see Bose et al. pages 13-14, paragraph 0111).

As to claim 4, Strauble et al. discloses a method for processing directory events, comprising:

operating a master database to replicate a data manipulation and a number to a replicate directory database, said number corresponding to an event notification (See Strauble et al. column 6, lines 49-67, and see Strauble et al. column 7, lines 1-7, also see Strauble et al. column 5, lines 11-25, wherein “number” reads on “integer”); and

operating said event service server to provide said event notification to an event client server in response to said replication of said number to said replicate directory database (See

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Strauble et al. column 5, lines 11-41).

Strauble et al. does not teach a sequence number.

Bose et al. teaches a sequence number (See Bose et al. page 9, paragraphs 0082-0083).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Strauble et al. to include a sequence number.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Strauble et al. by the teaching of Bose et al. to include a sequence number because it provides for accurate tracking and monitoring of modified data (See Bose et al. page 10, paragraph 0018).

As to claim 5, Strauble et al. as modified discloses comprising:

operating said event client server to provide said event notification to at least one directory client registered to receive said event notification (See Strauble et al. column 4, lines 19-45, also see Strauble et al. column 2, lines 5-18, and see Bose et al. pages 13-14, paragraphs 0111-0113).

As to claim 15, Strauble et al. as modified discloses further comprising:

a master directory database operable to store data (See Strauble et al. column 5, lines 11-41);

a directory service provider server operable to manipulate said data (See Strauble et al. column 6, lines 49-67, also see Strauble et al. column 4, lines 19-31); and

an event master server operable to assign a first sequence number to any manipulation of said data within said master directory database by said directory service provider server, wherein said event master server is further operable to store said first sequence number within said master directory database (See Strauble et al. column 9, lines 4-37, also see Strauble et al. column 10, lines 45-67, also see Bose et al. page 9, paragraphs 0082-0083);

a replicate directory database operable to store said data, wherein said master directory database is further operable to replicate said data and a second sequence number to said replicate directory database (See Strauble et al. column 9, lines 1-37, also see Bose et al. page 8, paragraphs 0075-0077, and see Bose et al. page 9, paragraphs 0079-0080);

an event service server operable to poll said replicate directory database for said second sequence number in response to said first sequence number from said event master server (See Bose et al. page 2, paragraphs 0015-0018, also see Strauble et al. column 9, lines 1-37, also see Bose et al. page 8, paragraphs 0075-0077, and see Bose et al. page 9, paragraphs 0079-0080);

a directory client (See Strauble et al. column 5, lines 12-67); and

an event client server operable to provide an event notification to said directory client, wherein said event service server is further operable to provide said event notification to said event client server when said first sequence number is less than or equal to said second sequence number (See Bose et al. page 2, paragraphs 0015-0018, also see Strauble et al. column 9, lines 1-37, and see Strauble et al. column 9, lines 40-60, also see Bose et al. page 8, paragraphs 0075-0077, and see Bose et al. pages 9-10, paragraphs 0082-0085).

As to claim 19, Strauble et al. discloses system, comprising:

an event master server operable to assign a number to a manipulation of a data within a master directory database (See Strauble et al. column 6, lines 49-67, also see Strauble et al. column 4, lines 19-31);

an event service server operable to determine said number being stored within a replicate directory database (See Strauble et al. column 6, lines 1-26, also see Strauble et al. column 9, lines 1-37, and see Strauble et al. column 9, lines 40-60); and

an event client server operable to provide an event notification to at least one directory client when said number is being stored within said replicated directory database, said event notification corresponding to said manipulation of said data (See Strauble et al. column 5, lines 11-67, wherein “number” reads on “integer”, also see Strauble et al. column 9, lines 1-37).

Strauble et al. does not teach a sequence number.

Bose et al. teaches a sequence number (See Bose et al. page 9, paragraphs 0082-0083).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Strauble et al. to include a sequence number.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Strauble et al. by the teaching of Bose et al. to include a sequence number because it provides for accurate tracking and monitoring of modified data (See Bose et al. page 10, paragraph 0018).

As to claim 21, Strauble et al. discloses a system comprising:

one or more directory service providers operable to manipulate data stored in at least one master directory database, each data manipulation assigned a number by an event master server

and each data manipulation replicated to at least one replicate directory database based on the assigned number (See Strauble et al. column 2, lines 62-67, and see Strauble et al. column 6, lines 1-63); and

an event client server operable to notify at least one directory client based on the replication to each replicate directory database (See Strauble et al. column 2, lines 62-67, and see Strauble et al. column 6, lines 1-63).

Strauble et al. does not teach a sequence number.

Bose et al. teaches a sequence number (See Bose et al. page 9, paragraphs 0082-0083).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Strauble et al. to include a sequence number.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Strauble et al. by the teaching of Bose et al. to include a sequence number because it provides for accurate tracking and monitoring of modified data (See Bose et al. page 10, paragraph 0018).

As to claim 22, Strauble et al. as modified discloses wherein the directory service provider and a directory event system are linked only by a queue (See Bose et al. page 9, paragraphs 0082-0083).

As to claim 23, Strauble et al. as modified discloses wherein the queue stores modification messages, such that when a modification message is stored in the queue, an event message provider assigns a sequence number to the modification message, wherein the sequence

number serves as a marker indicating that the corresponding manipulated data from the master directory database is stored within each replicate directory database (See Bose et al. page 9, paragraphs 0082-0083, also see Strauble et al. column 8, lines 5-17).

As to claim 24, Strauble et al. as modified discloses wherein the event message provider provides an event message to the event service server, the event message including an event notification comprising the modification message or an edited version of the modification message, the event message further including the sequence number (See Bose et al. page 9, paragraphs 0082-0083, also see Strauble et al. column 8, lines 1-44).

As to claim 26, Strauble et al. as modified discloses comprising a directory client register, wherein the directory client register is configured to allow each directory client to selectively register for one or more event services (See Strauble et al. column 6, lines 1-26).

Allowable Subject Matter

6. Claim 25 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments filed on May 17, 2005 have been fully considered but they are not persuasive.

In response to applicant's argument that "Straube in view of Bose does not teach or suggest "operating said event master server to store said sequence number within said master directory database"" is acknowledged but it is not deemed to be persuasive.

The Examiner maintains that Straube in view of Bose teaches the argued limitation as stated in the office action specifically Straube column 6, lines 1-65, wherein the method of propagating changes across a network using a message notification system is disclosed, those object changes are assigned ID's and written to the queue updated by the directory service agent and stored in database which is broadly interpreted by the Examiner to read on the argued limitation.

In response to applicant's argument that "Straube in view of Bose does not teach or suggest storing the sequence number in the master directory database" is acknowledged but it is not deemed to be persuasive.

The Examiner refers to Straube in view of Bose teaches the argued limitation as stated in the office action specifically Bose page 9, paragraphs 0082-0083, wherein sequence number is assigned and tracked. Furthermore, on column 8, lines 1-25, Straube wherein object changes are assigned id's and propagated throughout the network.

In response to applicant's argument that "Straube in view of Bose does not teach or suggest operating said event server to provide an event message to an event service server, said event message including said sequence number, or operating the master database to replicate said

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sequence number to a replicate directory database” is acknowledged but it is not deemed to be persuasive.

The Examiner maintains that the combination of Straube in view of Bose teaches the argued limitation as stated in the office action as well as Straube column 9, lines 1-25, wherein the changed parent list is propagated to the network and each changed object is assigned a unique id. Bose teaches on page 9, paragraphs 0081-083 event data manager and broadcasting event messages using unique message identifier across the network. Furthermore, Bose teaches assigning unique sequence numbers for each EventData item to the message when it arrives at the server or event mediator and then tracking each received sequence number, which is broadly interpreted by the Examiner to teach on the argued limitation.

In response to applicant's argument that "Straube teaches away from the current invention" is respectfully considered but is not deemed to be persuasive.

The Examiner's response is that Straube clearly states the limitation in the reference cited and whether Straube uses the technology in the same manner as the applicant or not is not the intention here but instead the fact that Straube teaches such method to exist in itself reads on the limitation of the claim.

"Arguments that the alleged anticipatory prior art is nonanalogous art' or teaches away from the invention' or is not recognized as solving the problem solved by the claimed invention, [are] not germane' to a rejection under section 102." *Twin Disc, Inc. v. United States*, 231 USPQ 417, 424 (Cl. Ct. 1986) (quoting *In re Self*, 671 F.2d 1344, 213 USPQ 1, 7 (CCPA 1982)). >See also *State Contracting & Eng ' g Corp. v. Condotte America, Inc.*, 346 F.3d 1057, 1068, 68

USPQ2d 1481, 1488 (Fed. Cir. 2003) (The question of whether a reference is analogous art is not relevant to whether that reference anticipates. A reference may be directed to an entirely different problem than the one addressed by the inventor, or may be from an entirely different field of endeavor than that of the claimed invention, yet the reference is still anticipatory if it explicitly or inherently discloses every limitation recited in the claims.).<

A reference is no less anticipatory if, after disclosing the invention, the reference then disparages it. The question whether a reference "teaches away" from the invention is inapplicable to an anticipation analysis. *Celeritas Technologies Ltd. v. Rockwell International Corp.*, 150 F.3d 1354, 1361, 47 USPQ2d 1516, 1522-23 (Fed. Cir. 1998) (The prior art was held to anticipate the claims even though it taught away from the claimed invention. "The fact that a modem with a single carrier data signal is shown to be less than optimal does not vitiate the fact that it is disclosed."). See also *Atlas Powder Co. v. IRECO, Inc.*, 190 F.3d 1342, 1349, 51 USPQ2d 1943, 1948 (Fed. Cir. 1999) (Claimed composition was anticipated by prior art reference that inherently met claim limitation of "sufficient aeration" even though reference taught away from air entrapment or purposeful aeration.).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., events after the dynamically inherited information is propagated) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification

are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

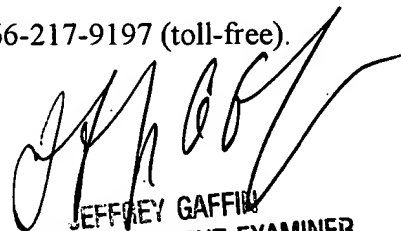
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074. The examiner can normally be reached on 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Neveen Abel-Jalil
July 22, 2005



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